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Article 14-2: REVIEW AND DECISION-MAKING BODIES

14-2.1 SUMMARY OF ORDINANCE ADMINISTRATION AND REVIEW ROLES

Table 14-2.1-1 summarizes the review and decision-making responsibilities of the entities that have specific roles in the administration of this chapter and, particularly, the procedures set forth in Article 14-3. Other duties and responsibilities of these entities are set forth in the following sections of this Article 14-2.

Click Here for Table 14-2.1-1

14-2.2 GOVERNING BODY

Comment [JBC1]: NOTE – Amendment re: GB PC review making its way through public hearings. If approved, must incorporate

(A) Powers and Duties

(1) Without limiting any authority granted to the Governing Body by State law or by other ordinances of the City, the Governing Body shall, with respect to this chapter, have the powers and duties set forth in Table 14-2.1-1, to be carried out in accordance with the terms of this chapter.

(2) The Governing Body may request a Land Use Board to review a proposed City zoning map amendment or a proposed amendment to this chapter, and the Land Use Board shall issue comments and nonbinding recommendations in response to the request.

Comment [JBC2]: Moved to here from PC section...

(3) In addition, ~~t~~The Governing Body shall receive duly executed copies of the minutes and ~~any~~ final orders or determinations of the Planning Commission.

(a) If, within thirty days of ~~any~~ final order or determination by the Planning Commission, the Governing Body decides to review the ~~any such~~ order or determination, notice of its ~~such~~ proposed review shall be provided in the manner prescribed in

Comment [CLG3]: discrepancy with appeal period noted by NLC; original change to 15 days amended back to 30 days by PC Subcommittee .

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Section §14-3.1(H) and ~~the~~such notice shall be a stay of execution of ~~the~~such final order of determination.

(b)— In exercising the powers set forth in this subsection~~herein~~, the Governing Body, after reviewing the minutes of the Planning Commission meeting, may reverse or affirm, wholly or partly, or ~~may~~ modify the order, determination, requirement, ~~or decision or determination as ought and to be made~~ and to that end shall have the authority of the Planning Commission, in addition to all other municipal authority, ~~that authority of the Planning Commission~~.

~~(34)~~— The governing body shall hear appeals pursuant to Section §14-3.17 of:

~~(a) Final actions of any land use committee; and~~

~~(b) Final actions of the land use director or other city department directors interpreting or applying requirements or conditions of any approval imposed by the governing body pursuant to this chapter.~~

Comment [CLG4]: This substance has been moved to §3.17

14-2.3 PLANNING COMMISSION

(A)— Designation of Planning Commission

There shall be a Planning Commission of the City of Santa Fe, New Mexico, which shall be referred to as the "Planning Commission."

(B)— Delegation of Authority

The Governing Body hereby delegates its authority for planning within the planning jurisdiction of the City, and for approving subdivision plats within the corporate boundaries of the City, as specifically set forth in Section §3-19-1 NMSA 1978 and more generally in Chapter 3, Articles 19 through 21 NMSA 1978, to the Planning Commission, except for those powers retained by the Governing Body in the Santa Fe City Code. In addition, the Governing Body delegates authority to the Planning Commission to hear appeals, and variances and Special Exceptions Conditional Use Permits as provided for in this chapter set forth herein.

Comment [JBC5]: Goal is to allow PC to hear special exceptions in connection with projects already under PC jurisdiction (i.e., subdivisions and development plans). Avoids applicants having to go before both PC and BOA on same project.

Comment [CLG6]: Special Exceptions have been changed to Condition Use Permits

Comment [JBC7]: As zoning authority, GB has authority to hear appeals and variances pursuant to NMSA 3-21-8. GB's authority to delegate this power stems out of its broad power as a home-rule city to enforce its laws.

(C)— Powers and Duties

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The Planning Commission shall have the review and decision-making responsibilities set forth in Table 14-2.1-1, to be carried out in accordance with the terms of this chapter. In addition, the Planning Commission shall be the principal City administrative board and have ~~having have~~ the following powers and duties:

Comment [JBC8]: Removed this language from each of the enumerated powers and duties – where it was repeated in each paragraph -- and moved it to one place applicable to all.

Comment [CLG9]: added by PC Subcommittee

(1) Development Plans and Subdivision Plats

Unless otherwise provided set forth in this chapter, ~~The Planning Commission shall review and approve or disapprove~~ is the principal City administrative board reviewing and approving or disapproving various other specific development plans, ~~and requests and subdivision plats~~. When specifically authorized by this chapter ~~Code~~, the decision of the Planning Commission shall be final, subject to any appeal right provided in this chapter ~~Code~~. In all other instances, the Planning Commission shall provide advice and ~~non-binding~~ nonbinding recommendations.

(2) Amendments and Modifications of Approved Plans

The Planning Commission shall review and approve or disapprove ~~is the principal City administrative board reviewing and approving or disapproving~~ amendments, modifications, or time extensions of plans, designs, plats, restrictions and other matters previously approved by the Planning Commission. Nothing in this section ~~herein~~ shall preclude the Summary Committee and the Land Use Director ~~designated City department staff~~ from approving minor amendments or modifications as authorized in the Santa Fe City Code.

Comment [CLG10]: amended for clarity, removing passive voice

Comment [JBC11]: Changing all references to "staff" to "Land Use Director" and adding language in §14-2.10 explaining that "Land Use Director" means Land Use Director and anyone under Land Use Director's authority

(3) Variances and Special Exceptions as Part of Subdivision or Development Plan Review

The Planning Commission shall hear and decide ~~is the principal City administrative board reviewing and granting or denying requests~~ for variances (pursuant to Section 14-3.16) ~~and Special Exceptions (pursuant to Section 14-3.6)~~ from zoning regulations the regulations in all areas of this chapter ~~in all areas except the regulations specific to the Historic Districts set forth in Section 14-5.2 and the Archaeological Review Districts set forth in Sections 14-3.13 and 14-5.3~~, provided that the request is also part of a development plan or subdivision request requiring the Planning Commission's review. ~~When deciding such variances the Planning Commission shall use the criteria for deciding variances as set forth in §14-3.16, except variances in PUD, PRC, and PRRC districts shall be evaluated based upon their appropriateness in relation to the overall development and its purposes and their impact upon surrounding properties.~~

Comment [JBC12]: Can't find provision anywhere else in current code allowing ARC to review variances. Does that even make sense? Same for special exceptions – current code allows BOA to review special exceptions... not HBoard and not ARC. Talk to Marisa about this.

Comment [JBC13]: This is misplaced... not about variances or special exceptions exactly, but rather about how to review requests for deviations from codified standards in these planned districts. Will be relocated in some form to 14-3.8.

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(4) — Variances of Subdivision and Escarpment Regulations

The Planning Commission shall hear and decide ~~is the principal City administrative board reviewing and granting or denying requests for variances (pursuant to Section 14-3.16) and Special Exceptions ((pursuant to 14-3.6)~~ from all subdivision regulations set forth in Article 14-9, all Escarpment Overlay District regulations set forth in Section 14-5.6, and from development in special ~~Flood~~ Hazard zones set forth in Section 14-8.3.

Comment [JBC14]: Supp. 14 stated that when deciding these special flood hazard area variances, PC should use the criteria set forth in (§14-3.9(E)). Indicated in (§14-3.9(E)) that these variance standards need to be moved to 14-3.16...

~~When deciding variances the Planning Commission shall use the criteria for deciding variances as set forth in §§14-3.7(F) or 14-8.2(G), as applicable.~~

Comment [CLG15]: duplicative of those sections. There are many partial references in the code – sections that state that compliance with some other section is necessary, but do not indicate ALL sections that require compliance. This is unnecessary, and can be very confusing. If the code was fully cross-referenced, it would be three times as long, so we eliminated all but the most necessary cross references.

(5) — Appeals

The Planning Commission shall hear appeals pursuant to Section 14-3.17.:

(a) — Final actions of the Summary Committee;

(b) — Final actions of the Land Use Director interpreting or applying this chapter under Articles 14-4 through 14-8, and Article 14-10, except final actions interpreting or applying historic district regulations under §14-3.10, §14-3.14, §14-5.2 or §14-8.10(H) or archeological/archaeological review district regulations under §14-5.3, and the subdivision regulations set forth in Article 14-9, provided that the interpretation or application request is made as part of a development plan or subdivision request requiring the Planning Commission's approval; and

(c) — Final actions of the Land Use Director interpreting or applying the terrain management regulations (§14-8.2) and the escarpment overlay district regulations (§14-5.6).

(d) — Final actions of the Floodplain Administrator regarding development in Special Flood Hazard Areas (§14-3.9) and the flood regulations (§14-8.3) when it is alleged there is an error in any requirement, decision, or determination in the enforcement or administration of these sections.

— Appeals

The Planning Commission shall hear and decide is the principal City administrative board reviewing and granting or denying appeals as authorized in this chapter from decisions of:

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~~(a) — The Summary Committee;~~

~~(b) — The Land Use Director City staff regarding the zoning regulations set forth in all areas of this chapter, including but not limited to the Escarpment Overlay District (§14-5.6), terrain management (§14-8.2), and subdivisions (Article 14-9), except the regulations of the Historical Districts (§14-5.2) and the Archaeological Review Districts (§§14-3.13 and 14-5.3), and the subdivision regulations set forth in Article 14-9, provided that the request is also part of a development plan or subdivision request requiring the Planning Commission's approval;~~

~~(c) — City staff regarding the terrain management regulations (§14-8.2) and the Escarpment Overlay District (§14-5.6);~~

Comment [JBC16]: Duplicates (b) above

~~(c) — Floodplain Administrator regarding development in special flood hazard areas (§14-3.9) and the flood regulations (§14-8.3) when it is alleged there is an error in any requirement, decision, or determination in the enforcement or administration of these sections.~~

Comment [JBC17]: Added by Supp. 14.

~~(6) — The Planning Commission is the principal City administrative board reviewing and granting or denying requests for variances from escarpment regulations set forth in §14-5.6. When deciding variances the Planning Commission shall use the criteria set forth in §14-5.6(K)(1).~~

Comment [CLG18]: Appeal substance is now in §3.17

~~(67) —~~ Long-Range Policy Recommendations

_____ (a) — The Planning Commission may provide to administrative and governmental officials of the City recommendations for public improvements and for the financing of such improvements. Public officials shall, upon request, furnish to the Planning Commission within a reasonable time such available information as it may require for its work.

_____ (b) — The Planning Commission may make reports and recommendations relating to the development of the City to public officials and agencies; public utility companies; civic, educational, professional, and other organizations; and citizens with regard to:

_____ (i) ~~g~~ — Growth management, land use, transportation, development review procedures, urban design and capital improvements; and

_____ (ii) — ~~n~~ Neighborhood and community planning, and other community issues as they relate to long-term planning.

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 ~~(78)~~ Other Recommendations to Governing Body

 The Planning Commission shall ~~is the principal City administrative board reviewing and making~~ recommendations to the Governing Body regarding:

 (a) t ~~—~~ The adoption of the General Plan and proposed revisions and amendments to the General Plan ~~thereto~~;

 (b) a ~~—~~ Annexations;

 (c) r ~~—~~ Rezoning; and

 (d) p ~~—~~ Proposed amendments to Chapter 14 ~~this chapter~~, except for proposed amendments to Sections 14-2.7 and 14-5.2, on which the Historical Districts ~~Design~~ Review Board shall review and issue a recommendation; to Sections 14-2.8, 14-3.13 and 14-5.3, on which the Archaeological Review Committee shall review and issue a recommendation; and to Section 14-8.13 on which the Public Utilities Committee shall review and issue a recommendation.

 ~~(89)~~ Other Powers and Duties

 (a) ~~—~~ The Planning Commission or the Governing Body may request any other committee or board to review a proposed City zoning map amendment or a proposed amendment to this chapter, and that such committee or board or committee shall issue comments and ~~non-binding~~ nonbinding recommendations in response to the request.

Comment [JBC19]: Wrong section. Added the general ability of GB to request a review to GB section...

 (b) ~~—~~ The Planning Commission, in the performance of its functions, may enter on any land, make examinations and surveys, and place and maintain necessary monuments and markers on land ~~thereon~~.

Comment [JBC20]: Tracking state statute language – NMSA 3-19-4(C)(3)

 (c) ~~—~~ As authorized by State law and ~~in~~ this chapter, the Planning Commission may make decisions affecting the physical development of the City, including physical development authorized by a public agency or official not under the jurisdiction of the Governing Body. These decisions shall be consistent with the General Plan and other adopted City policies.

Comment [JBC21]: NMSA 3-19-11(D)

 (d) ~~—~~ The Planning Commission shall have all ~~such powers as may be~~ necessary to enable it to fulfill and perform its functions, and carry out the ~~all~~ duties authorized in the Santa Fe City Code.

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(910)— Rules and Regulations; Planning and Platting; Development Review

(a)— For the purpose of carrying out the planning and platting duties and development review responsibilities granted to the Planning Commission, including ~~but not limited to~~ the adoption of and amendment to the General Plan and approval and disapproval of plats and replats, the Planning Commission shall adopt rules, procedures, regulations and a schedule of fees; such procedures, regulations and schedules of fees ~~fee schedules, and other regulations shall be~~ shall be consistent with the Santa Fe City Code and shall not become effective and ~~shall not~~ be enforced until approved by the Governing Body.

(b)— Among other regulations, the Planning Commission shall adopt flow charts and checklists for matters within the Planning Commission's jurisdiction in order to provide information and assistance to the general public in complying with the provisions of the Santa Fe City Code.

(c)— Approved plats and development plans shall be signed by the Chairperson and Secretary of the Planning Commission.

(D)— **Membership and Procedures**

(1)— Composition

(1)— Composition

— The Planning Commission shall be composed of nine members who ~~residing~~ in the City and who are qualified by training, experience, and ability to exercise sound and practical judgment on civic, social, economic, and governmental affairs.

— ~~The members shall be appointed by the mayor with the advice and consent of a majority vote of all the members of the Governing Body.~~

Comment [JBC22]: Moved to Appointment and Term section (2) below...

(2)— Appointment- and Term

~~5—~~ The members of the Planning Commission shall be appointed by the Mayor with the advice and consent of the Governing Body. Members shall serve two-year staggered terms, maintaining the original staggering of planning commission terms. Members shall serve until their successors have been appointed and qualified.

Comment [j23]: It can just say "consent of the Governing Body" because the council already has established what a majority vote is

Comment [CLG24]: No substantive change in terms, language change in attempt to clarify. Same as below for other bodies.

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~~Of the nine members appointed initially to the Planning Commission, five shall have one year terms and four shall have two year terms. Each subsequent term of a member shall be for two years to maintain the original staggering of terms of membership. There shall be no limitation to the number of consecutive terms a member may serve on the Planning Commission.~~

Comment [JBC25]: No practical change – just clarified in (2) above and/or moved to 14-2.9.

~~(3) — Chairperson and Secretary~~

~~The Planning Commission shall elect a chairperson and a secretary for one year terms.~~

~~(4) — Meetings~~

~~The Planning Commission shall hold at least one regular meeting each month. Failing to attend three consecutive regular meetings, or failing to attend 33 percent or more of the regular meetings in any year shall constitute an automatic tender of resignation by such member, which the Governing Body may accept or reject in its discretion.~~

~~(5) — Vacancy~~

~~A vacancy shall be filled in the same manner in which the original appointment was made. A member appointed to fill a vacancy shall serve for the remainder of the unexpired term.~~

~~(6) — Records of Membership~~

~~Records of the status of membership on the Planning Commission shall be kept by the City Clerk.~~

~~(7) — Quorum~~

~~A quorum for the Planning Commission shall be at least five members.~~

~~(8) — Compensation of Members~~

~~Members of the Planning Commission shall serve without compensation.~~

~~(9) — Records~~

~~Full and complete records of Planning Commission meetings and actions shall be kept by the City Clerk pursuant to City rules and regulations, and to the New Mexico Open Meetings Act.~~

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~~Section~~

(E) ~~Summary Committee~~

(1) ~~Designation~~

~~There shall be a subcommittee of the Planning Commission called the "Summary Committee."~~

(2) ~~Delegation of Authority~~

~~The Planning Commission hereby delegates its authority, as specifically set forth in Section 3-20-8 NMSA 1978 and more generally in Chapter 3, Articles 19 through 21 NMSA 1978, to the Summary Committee, except for those powers retained by the Planning Commission in the Santa Fe City Code.~~

~~(3) Powers and Duties~~

~~The Planning Commission shall appoint a subcommittee of the Planning Commission, called the Summary Committee, shall hear and decide for the purpose of reviewing and approving or disapproving:~~

(a) ~~a~~ Applications for the division of land into two lots; and

(b) ~~p~~ Proposed amendments or modifications of plats previously approved by the Summary Committee.

~~(4) Membership and Procedures~~

~~Three members of the Planning Commission shall be elected by majority vote of the Planning Commission to serve one-year terms on the Summary Committee. The Summary Committee shall meet at least once a month to review applications. A quorum shall consist of two members. Section~~

Comment [JBC27]: Conflicts with 84-56 – Art. 7, Sec. 2 – which states that committees "shall be appointed by the mayor with the approval of the city council..." But CH14 trumps.

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(3) ~~Any person aggrieved by a decision of the Summary Committee may file an appeal within 30 days of the Summary Committee's decision to the Planning Commission.~~

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Comment [JBC28]: Addressed in appeals section

(F) Long Range Planning Subcommittee

(1) Designation

~~There shall be~~ is established a subcommittee of the Planning Commission called the "Long Range Planning Subcommittee."

(2) Delegation

~~The Planning Commission hereby delegates its authority, as specifically set forth in this a Article 2 and in Section 3-19-4 and more generally in Chapter 3, NMSA 53-19-4, and more generally in Articles 19 through 21 NMSA 1978, to the Long Range Planning Subcommittee, except for those powers retained by the Planning Commission in the Santa Fe City Code.~~

Comment [j29]: No need to cite to the article we're in and I think cite to Section 3-19-4 is incorrect.

(3) Powers and Duties

~~The Long Range Planning Subcommittee shall~~ for the purpose of making recommendations to the Planning Commission regarding legislative matters, including, ~~but not limited to:~~

~~(a) Adoption of the General Plan and amendments to the General Plan hereto;~~

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~~(b) Amendments to the General Plan;~~

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~~(bc) Chapter 14 amendments for which the Planning Commission has authority to review and make recommendations on; and~~

~~(cd) Long-range policy recommendations as set forth in Paragraph (6) of Subsection (C) of this section 514-2-3(C)(67).~~

Comment [CLG30]: removed per PC Subcommittee.

(24) Membership and Procedures

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~~—~~ Three members of the Planning Commission shall be elected by majority vote of the Planning Commission to serve on the Long Range Planning Subcommittee. In addition, the Mayor, with the advice and consent of the Governing Body, ~~City Council~~ shall appoint two ~~2~~ members to the Long Range Planning Subcommittee ~~Commission~~ who are not members of the Planning Commission. ~~The Long Range Planning Subcommittee shall meet at least once a month. A quorum shall consist of 3 members.~~

Comment [JBC31]: Conflicts with 84-56 – Art. 7, Sec. 2 – which states that committees “shall be appointed by the mayor with the approval of the city council...” But CH14 trumps.

~~(3) — City staff shall place the tentative agenda in a local daily newspaper and shall post the tentative agenda in City Hall at least 5 calendar days prior to the scheduled meeting.~~

Comment [JBC32]: Added to list in 14-3.1(H)(1)(a)(i) – but note that this will increase notice requirement to 15 days. This change needs further review.

~~(G) —~~ [Reserved]

(H) — Ad Hoc Subcommittees

~~(1) — Pursuant to NMSA 3-19-1, the mayor, subject to the advice and consent of the Governing Body, may appoint ad hoc subcommittees to gather information and make recommendations to the Planning Commission, as the Planning Commission deems appropriate. The ad hoc subcommittee shall be comprised of volunteer citizens, City staff, and/or Commission members.~~

Comment [JBC33]: Moved into Powers and Duties section below.

Comment [JBC34]: Moved to Membership and Procedures section below.

(1) — Delegation

~~—~~ The Governing Body and the Planning Commission may delegate their authority to ad hoc subcommittees, as specifically provided set forth in this Article 2 and more generally in Chapter 3, NMSA 3-19-1 et seq., and more generally in Articles 19 through 21 NMSA 1978, to ad hoc subcommittees, except for those powers retained by the Governing Body and the Planning Commission in the Santa Fe City Code.

Comment [JBC35]: Not clear if only Planning Commission needs to delegate its authority, or the Governing Body, too – given that both entities have the power to appoint these ad hoc subcommittees. Also begs the question: would part of this section be better placed under GB section?? But these subcommittees do seem to be ACTING purely at the behest of the PC.

(2) — Powers and Duties

~~—~~ Ad hoc subcommittees shall gather information for, make recommendations to, and otherwise assist the Planning Commission in accomplishing its powers and duties, as the Planning Commission deems appropriate.

Comment [j36]: Per above, should Governing Body be in here too?

~~(3) —~~ Membership and Procedures

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(a) Pursuant to Chapter 3, Article 19 NMSA 1978~~NMSA 3-19-1 et seq.~~ and Article 2-1 of the Santa Fe City Code, the Mayor, subject to the advice and consent of the Governing Body, may appoint ad hoc subcommittees.

(b) Pursuant to Chapter 3, Article 19 NMSA 1978~~NMSA 3-19-1 et seq.~~ the Chair ~~The chairman~~ of the Planning Commission may appoint ad hoc subcommittees of the Planning Commission.

Comment [JBC37]: Conflicts with 84-56 – Art. 7, Sec. 2 -- which states that committees "shall be appointed by the mayor with the approval of the city council..."

(c) to assist the Commission in accomplishing their powers and duties. ~~Ad hoc subcommittees may~~ shall be composed of volunteer citizens, Land Use Department staff and, and/or Planning Commission members.

Section

(3) Meetings of the ad hoc subcommittees shall be open public meetings in accordance with the New Mexico Open Meetings Act, Sections 10-15-1 through 10-15-4 NMSA 1978.

14-2.4 [RESERVED]

14-2.5 BOARD OF ADJUSTMENT

(A) Designation

There shall be a Board of Adjustment of the City of Santa Fe, New Mexico, which shall be referred to as the "Board of Adjustment" or the "BOA."

Comment [JBC38]: Give strong consideration to moving Variances and Conditional Use Permits to Planning Commission jurisdiction because of frequent overlap in jurisdiction on projects; BOA would retain all other duties.

(B) Delegation of Authority

The Governing Body hereby delegates its authority, as set forth generally in Chapter 3, Articles 19 through 21 NMSA 1978, to the Board of Adjustment to carry out its powers and duties as described in this subsection ~~herein~~, except those powers retained by the Governing Body in the Santa Fe City Code. In addition, the Governing Body delegates authority to the BOA to hear appeals, variances and Special Exceptions as provided set forth in this article ~~chapter~~ herein.

Comment [JBC39]: As a home-rule city, GB has broad power to delegate its authority to enforce its laws.

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(A) — Powers and Duties

~~The Board of Adjustment shall have the review and decision-making responsibilities set forth in Table 14-2.1-1, to be carried out in accordance with the terms of this chapter. In addition, the Board of Adjustment shall have the following additional responsibilities under this chapter:~~

(1) — Appeals

~~To hear appeals pursuant to Section § 14-3.17; of final actions of the Land Use Director interpreting or applying the provisions of this chapter, unless jurisdiction for such appeals is otherwise specifically reserved to any other land use committee~~

(2) — Conditional Use Permits

to authorize special exceptions in accordance with 14-3.6.

(3) — Variances

to authorize variances in accordance with 14-3.16.

Powers and Duties

~~The Board of Adjustment shall have the review and decision-making responsibilities set forth in Table 14-2.1-1, to be carried out in accordance with the terms of this chapter. In addition, the Board of Adjustment shall have the following additional responsibilities under this chapter:~~

(1) — Appeals/Administrative Review

~~To hear and decide appeals as authorized in this chapter from decisions of the Land Use Director when it is alleged that there is error in any order, requirement, decision or determination made by the administrative official in the enforcement of this chapter; the Board of Adjustment may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination as ought to be made and to that end shall have the authority of the Land Use Director.~~

(2) — Special Exceptions

Comment [CLG40]: Moved from (A) for organizational purposes. Original text: To hear and decide applications for special exceptions as the Board is specifically authorized to pass on by the terms of this chapter; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this chapter or to deny special exceptions when not in harmony with the intent and purpose of this chapter. Amended to simple cross reference per PC Subcommittee.

Comment [CLG41]: Moved from (A) for organizational purposes. Original text: To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship.

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To hear and decide applications for special exceptions (14-3.6) as the Board is specifically authorized to pass on by the terms of in this chapter; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this chapter or to deny special exceptions when not in harmony with the intent and purpose of this chapter.

(3) — Variances

To ~~hear and decide applications for~~ authorize upon appeal in specific cases such variances (§14-3.16) in specific cases from the terms of this chapter, as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship.

(4) — Actions Concerning Appeals

~~The Board may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made and to that end shall have the powers of the administrative official from whom the appeal is taken.~~

Comment [JBC42]: Moved into 1 above

(D8) — Establishment of Board, Membership and Procedures

(1) — Composition

~~—The A. Board of Adjustment is established, which shall consist of seven members;~~ two may be members of the Planning Commission and there shall be at least five members-at-large. Members of the Governing Body may serve as at-large members.

Comment [CLG43]: "at least" in proposed language deleted by PC Subcommittee

Comment [CLG44]: added back in by PC Subcommittee

~~appointed by the mayor and approved by the Governing Body.~~

(2) — Appointment and Term

~~—The m~~ Members of the Board of Adjustment shall be appointed by the Mayor with the consent of the and approved by the Governing Body. Members shall serve three-year for overlapping staggered terms, maintaining the original staggering of BOA terms. of three years Members shall serve until their successors have been appointed and qualified. (or until the prompt appointment of their successors are appointed) to maintain the original staggering of terms of membership. ; except, that the original appointments shall be two for one year, two for two years, and three for three years.

Comment [j45]: This should be like the earlier one, right?

Comment [j46]: Same comments here. "Terms shall be three years. Members shall serve until their successors have been appointed and qualified." and then something about original stagger and this doesn't change anybody's term

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~~(3) Four members shall constitute a quorum, and the chair may vote on all questions.~~

~~(4) Vacancies shall be filled for the unexpired term in the same manner as for any other appointment.~~

~~(5) Members shall serve at the pleasure of the Governing Body and may be removed with or without cause.~~

~~(6) At least two of the members of the Board may be members of the Planning Commission, and there shall be five members at-large. Members of the Governing Body may serve as at-large members.~~

~~(7) The Board shall elect one of its members as chair, to serve as such for a period of one year, without restriction as to re-election.~~

Section (C) Minutes of Proceedings; Public Record; Meetings

The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member on each question, or indicating absence or failure to vote, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Land Use Department and shall be a public record. Meetings of the Board shall be held at the call of the chair and at such other times as the Board may determine.

14-2.6 BUSINESS-CAPITOL DISTRICT DESIGN REVIEW COMMITTEE

The Business-Capitol District Design Review Committee ("BCD DRC") shall automatically cease to exist when all BCD development in progress at the effective date of this amendment has received the necessary review and approval or denial from the BCD DRC.

Comment [JBC47]: FYI -- 6-6 SFCC spells Business-Capitol wrong -- "Business Capital"

Comment [CLG48]: The BCDDRC will be retired after completion of current projects

BCD development occurring after the effective date of this ordinance shall be reviewed and approved or denied pursuant to Section 14-3.8 and the other relevant provisions of this chapter.

(A) Powers and Duties

Draft page number 15

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~~The Business-Capitol District Design Review Committee shall have the review and decision-making responsibilities set forth in , to be carried out in accordance with the terms of this chapter. In addition, the Committee shall have the following additional responsibilities under this chapter:~~

- ~~(1) — Ensuring compliance with for major and certain minor projects in redevelopment subdistricts and reviewing and approving major and certain minor project plans;~~
- ~~(2) — Making determinations concerning land use intensity credits for residential use pursuant to "Maximum Land Use Intensity";~~
- ~~(3) — Reviewing applications for designation of property as a redevelopment subdistrict within the Business-Capitol District, reviewing redevelopment plans as required and making recommendations to the Planning Commission as to whether the proposed subdistrict meets the criteria for such designation;~~
- ~~(4) — Making recommendations for variances to section to the Board of Adjustment; and~~
- ~~(5) — Reviewing various projects and plans pursuant to "New Redevelopment Subdistricts."~~

~~(8) — Hearing Appeals of final actions of the Land Use Director interpreting or applying Business-Capitol District zoning regulations under §14-4.3(E) and §14-7.3.~~

~~(B) — Membership and Procedures~~

- ~~(1) — The Design Review Committee shall consist of seven members. The mayor, with the approval of the Governing Body, shall appoint all members, including: one licensed architect, one licensed general contractor, one licensed civil engineer, one member of the Governing Body, and three members at-large who shall be residents of the City of Santa Fe.~~
- ~~(2) — The members of the Design Review Committee shall have two year terms. A committee member may be removed by the Governing Body in the event of failure to attend any three consecutive meetings or any six meetings in any 12 month period. Three of the initial mayoral appointees shall have one-year terms.~~
- ~~(3) — The committee shall elect from its membership a chair and a vice chair who shall serve for terms of one year and who shall be eligible for re-election. The chair shall preside over the~~

Draft page number 16

03/12/2010 draft (includes PC subcommittee review comments)

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~~committee and shall have the right to vote in the case of a tie vote. In the absence or disability of the chair, the vice chair shall perform the duties of the chair.~~

(4) ~~— The committee procedure shall be governed by Robert's Rules of Order. All meetings of the committee shall be open to the public, public comment shall be encouraged and recorded, and a public record shall be kept of the committee's resolutions, proceedings and actions. A majority of the members of the committee shall constitute a quorum.~~

(5) ~~— A majority vote of the committee members present shall be required to disapprove an application. If the committee disapproves an application, it shall state its reasons in writing, specifying the section of the Business Capitol District regulations that would be violated, and shall so advise the applicant within five working days.~~

14-2.7 HISTORIC DISTRICTS ~~DESIGN~~ REVIEW BOARD

(A) — Designation

There shall be a Historic Districts Review Board of the City of Santa Fe, New Mexico, which shall be referred to as the "Historic Districts Review Board" or the "HDRB."

(B) — Delegation

The Governing Body and the Planning Commission hereby delegate their authority, as set forth generally in Chapter 3, Articles 19 through 21 NMSA 1978, to the HDRB to carry out its powers and duties described in this section herein, except those powers retained by the Governing Body and the Planning Commission in the Santa Fe City Code. The HDRB may is also authorized to carry out its powers and duties pursuant to Article 22 NMSA 1978.

(CA) — Powers and Duties

The Historic Districts ~~esign~~ Review Board shall have the review and decision-making responsibilities set forth in Table 14-2.1-1, to be carried out in accordance with the terms of this chapter. In addition, the HDRB Board shall have the following additional responsibilities under this chapter:

(1) — The HDRB Board shall review and approve or deny all applications for new construction, exterior alteration, and demolition of structures, ~~except signs,~~ which the

Comment [JBC49]: Clarion and staff (DR) suggestion because not a design review board.
Note that this change will need to be made to 6-9 SFCC, too.

Comment [JBC50]: As home-rule city, GB has broad power to delegate to enforce its laws.

Comment [JBC51]: Should be referred to with either its full name or full initials to avoid confusion with other boards, like BOA.

Comment [CLG52]: PC Subcommittee questioned this exception, and question is noted for HDRB revisions.

Draft page number 17

03/12/2010 draft (includes PC subcommittee review comments)

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Land Use Director shall review in accordance with Section ~~§ 14-3.10(D)~~ in the Historic District in accordance with the standards set forth in this chapter;

~~_____ Staff shall review signs in accordance with.~~

(2) ~~_____ The HDRB shall~~ hear appeals pursuant to Section ~~§ 14-3.17~~ ~~of final actions of the Land Use Director interpreting or applying H district regulations under § 14-3.10, § 14-3.14, or § 14-5.2 or § 14-8.10(H). The HDRB Board shall hear appeals of parties aggrieved by the Land Use Director's City Planning and Land Use Department's approvals or denials made pursuant to § 14-5.2.~~

~~_____ (3) _____ The HDRB Board may~~ make recommendations to the Governing Body the erection of appropriate plaques and markers designating various historical sites and points of interest in the City;

~~_____ (4) _____ The HDRB Board may make~~ make recommendations to the Governing Body relating to the purchase, acquisition by gift, grant, bequest, devise, or otherwise, of any real or personal property of historical background and interest;

~~_____ (5) _____ The HDRB Board may~~ make recommendations to the Governing Body as to the exercise of the Governing Body's power of eminent domain in the acquisition of real property of historical background and significance and the proposed ways and means of compensation;

~~_____ (6) _____ The HDRB Board shall~~ advise and assist officials, committees and commissions of the municipal government in making recommendations to the Governing Body;

~~_____ (7) _____ The HDRB Board shall~~ compile and maintain a list of historical sites and structures;

~~_____ (8) _____ The HDRB Board shall perform such other acts~~ as may be requested by the Governing Body, provided that such acts relate specifically to this section ~~as may be requested by the Governing Body; and~~

~~_____ (9) _____ The HDRB Board may~~ conduct field trips upon request of the applicant, or as determined by the Chair.

~~_____ (DB) _____ Creation;~~ Membership and Procedures

Draft page number 18

03/12/2010 draft (includes PC subcommittee review comments)

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(1) ~~—~~ To carry out the purposes of this section, there is created a Historic Design Review Board, hereinafter referred to as the "Board."

~~_____~~ (12) ~~—~~ Composition

~~_____~~ ~~—~~ The Historic Districts Review Board ~~shall consist~~^s of seven members appointed by the mayor with the consent of the Governing Body. All members shall be persons who, in the opinion of the Mayor, have demonstrated interest and knowledge in the historic character of the City. One member shall be a licensed architect, one shall be a qualified historian, one shall represent some aspect of the construction industry, ~~and~~ one shall have a business in the Historic District. ~~One member~~^{One} shall be a member of the Old Santa Fe Association, and two ~~there~~ shall be ~~two~~ members-at-large. Members of the Governing Body may serve as at-large members.

~~_____~~ (2) ~~—~~ Appointment and Term

~~_____~~ ~~—~~ The Mayor, with the consent^{approval} of the Governing Body, shall appoint each member of the Historic Districts Review Board. Members shall serve two-year staggered terms, maintaining the original staggering of HDRB terms. Members shall serve until their successors have been appointed and qualified of the HDRB shall have terms of two years (or until the prompt appointment of their successors) to maintain the original staggering of terms of membership.

~~_____~~ (3) ~~—~~ Procedures

~~_____~~ (a) ~~—~~ The HDRB shall meet regularly twice a month ~~at~~^{on} the call of the Chair.

~~_____~~ Section

~~_____~~ (43) ~~—~~ Recommendations

~~_____~~ ~~—~~ The following organizations are encouraged to recommend to the Mayor up to three persons each for the appropriate position as designated in this section:

~~_____~~ (a) ~~—~~ Santa Fe chapter of the American Institute of Architects;

~~_____~~ (b) ~~—~~ Santa Fe Chamber of Commerce and Hispanic Chamber of Commerce;

Draft page number 19

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_____ (c) — ~~_____~~ Museum of New Mexico; and

_____ (d) — ~~_____~~ Building Contractor's Association and Associated General Contractors of America, Building Branch (jointly).

_____ Persons recommended are not required to be members or staff of the organization recommending them. This provision is in no way intended to prevent other organizations from recommending members; or to limit the appointment power of the Governing Body.

(4) — ~~The initial term of three of the seven members appointed shall expire on the date of the first regular Governing Body meeting in January one year after their appointment, and the initial term of the other four members shall expire on the date of the first regular City council meeting in January two years thereafter. Following the initial terms, the terms of all members shall be two years. An appointment to fill an unexpired term shall be only for the remainder of the term. Any member failing to attend three consecutive Board meetings or a total of six meetings in one year without a justified reason shall be considered to have resigned. Members serve at the pleasure of the Governing Body and may be removed with or without cause.~~

Comment [JBC53]: Moved to Appointment and Term section

Comment [JBC54]: See new §14-2.9

(5) — ~~A quorum shall consist of a majority of the members. The Board shall meet regularly twice a month and on the call of the chair. The Board shall follow Robert's Rules of Order.~~

Comment [JBC55]: See §14-2.9

Comment [JBC56]: Moved to Procedures section

Comment [JBC57]: See §14-2.9

(C) — Functions of the Planning Division

~~The planning division shall provide administrative and advisory assistance to the Board, conduct site inspections, carry out reviews as set forth in _____, and shall have the authority to initiate all appropriate legal proceedings to enforce all provisions of this section and (Ord. No. 2002-37 § 5)~~

~~(Ord. No. 2001-38 § 2)~~

Comment [JBC58]: Here, "Planning Division" means Historic Preservation Division, but specific staff divisions are not referenced anywhere else in Article 14-2....

14-2.8 ARCHAEOLOGICAL REVIEW COMMITTEE

(A) — Designation

There shall be an Archaeological Review Committee of the City of Santa Fe, New Mexico, which shall be referred to as the "Archaeological Review Committee" or the "ARC."

Draft page number 20

03/12/2010 draft (includes PC subcommittee review comments)

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(B) Delegation

The Governing Body and the Planning Commission hereby delegate their authority, as set forth generally in Chapter 3, Articles 19 through 21 NMSA 1978, to the ARC to carry out its powers and duties described in this section herein, except for those powers retained by the Governing Body and the Planning Commission in the Santa Fe City Code.

Comment [JBC59]: As home-rule city, GB has broad power to delegate to enforce its laws.

(C) Powers and Duties

The Archaeological Review Committee shall have the review and decision-making responsibilities set forth in Table 14-2.1-1, to be carried out in accordance with the terms of this chapter. In addition, the ARC Committee shall have the following the additional responsibilities specified in this subsection under this chapter.

(1) — In accordance with Section §14-3.13, the Archaeological Review Committee shall hold hearings to review reconnaissance reports, the recommended significance status of archaeological sites, and the recommended treatment plan of cultural remains and final reports. The ARC Committee may review and act on stages or portions of on-going archaeological studies. The ARC Committee shall vote to approve, conditionally approve or disapprove requests for archaeological clearance permits.

(2) — The ARC Committee shall hold hearings to qualify or disqualify persons individuals for inclusion on the City's list of approved archaeologists, historical archaeologists and historians upon review of resumes and related documents as set forth in this subsection §14-2.8(C).

(3) — The ARC Committee may advise the Historic Districts Design Review Board in regard to applications to the HDRB Board for new construction, exterior alteration, demolition, or on other matters relating to archaeology within the Historic Districts.

(4) — The ARC Committee shall establish a City register of recognized archaeological sites and shall establish criteria for such a register.

(5) — The ARC Committee may direct applicants to the State Historic Preservation Division for information regarding Federal or State regulations on the tax benefits of donating archaeological properties or easements.

Draft page number 21

03/12/2010 draft (includes PC subcommittee review comments)

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_____ (6) — The **ARC** ~~Committee~~ may recommend to the Governing Body that land containing sites of major interest to the City, be purchased as part of the City's parks, recreation, and open space system.

_____ (7) — When both the **HDRB** ~~Historic Design Review Board~~ and the **ARC** ~~Archaeological Review Committee~~ review are required of a single project, the reviews may occur at the same time.

_____ (8) — The **ARC** ~~Committee~~ may recommend the expenditure of money from the City archaeological fund for projects meeting the criteria for archaeological fund projects set forth in **Section** ~~§14-3.13(D)(5)~~. Expenditures of **one thousand dollars (\$1,000)** or less may be approved by the Planning Division. Expenditures over **one thousand dollars (\$1,000)** shall be approved by the Governing Body.

_____ (9) — ~~The ARC shall hear appeals pursuant to Section §14-3.17 of final actions of the Land Use Director interpreting or applying archaeological review district regulations under §14-5.3.~~

_____ **(DB)** — **Creation, Membership and Procedures**

_____ (1) — **Composition**

_____ — ~~There is created an~~ **The** Archaeological Review Committee that shall ~~consist~~ of **five** ~~5~~ members appointed by the Mayor with the consent of the City Council. One member shall be a historian; **three** ~~and 3~~ members shall be professional archaeologists or historical archaeologists ~~that all~~ meeting the requirements set forth in **Subsection (D) of this section §14-2.8(C); and** ~~One~~ member shall be a representative of the construction, development, or real estate community.

Comment [j60]: IS THIS THE CORRECT CITE? SUBSECTION C IS NOT CORRECT, I DON'T BELIEVE

_____ (2) — **Appointment and Term**

_____ — ~~The Mayor, with the consent approval of the Governing Body, shall appoint each member of the ARC. Members of the ARC shall serve two-year staggered terms, maintaining the original staggering of ARC terms. Members shall serve until their successors have been appointed and qualified.~~

_____ ~~have terms of two years (or until the prompt appointment of their successors) to maintain the original staggering of terms of membership.~~

Comment [j61]: Same comments here. "Terms shall be three years. Members shall serve until their successors have been appointed and qualified." and then something about original stagger and this doesn't change anybody's term

Draft page number 22

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(3) — Procedures

(a) — The ARC shall meet at least twice a month ~~at~~ upon the call of the Chair.

~~Section~~ The initial term of 2 of the 5 members shall expire 1 year after the initial appointment date, and the initial term of the other 3 members shall expire 2 years after the initial appointment date. Following the initial terms, the terms of all members shall be 2 years. An appointment to fill an unexpired term shall be only for the remainder of the existing term.

Comment [JBC62]: No longer necessary

Comment [JBC63]: See §14-2.9

~~(3) — A quorum shall consist of 3 members. The Committee shall follow Robert's Rules of Order.~~

Comment [JBC64]: See §14-2.9

~~(4) — The Committee shall meet at least twice a month and upon the call of the chair or vice chair.~~

Comment [JBC65]: Moved to Procedures section

(E) — Qualifications for Archaeological Review Committee Members; Qualifications for Archaeologists, Historical Archaeologists and Historians

(1) — Archaeological Review Committee Members

— All archaeologists, historical archaeologists and historians appointed as ARC committee members shall meet the qualifications set forth in this subsection ~~paragraph~~ (DC).

(2) — Archaeologists

All archaeologists in actual direct charge of archaeological reconnaissance or treatment required for an archaeological permit shall meet the minimum qualifications set forth in this paragraph below, as provided in a resume or and by other means:-

(a) h — Hold a master's degree in archaeology, anthropology, or a closely related field with a specialization in archaeology, or equivalent training or field experience the sufficiency of which shall to be determined by the ARC committee;

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_____ (b) — h Have at least two years experience in directing archaeology projects including at least six months of field experience in the southwestern United States; and

_____ (c) b — Be listed in the State Historic Preservation Office directory of archaeologists as a principal investigator or supervisory archaeologist. This requirement shall not apply to archaeologists who are currently on the City's list of approved archaeologists as of the effective date of this ordinance (April 23, 2007) or to archaeologists appointed as members of the ARC Committee.

_____ (3) — Historical Archaeologists

_____ All historical archaeologists in actual direct charge of excavation of historic period sites shall:

_____ (a) M — Meet the minimum qualifications for an archaeologist set forth in Paragraph (2) of this subsection ~~(DC)(2) above, as provided in a resume or by other means;~~

Comment [j66]: CORRECT CITE??

_____ (b) H — Have a minimum of 1-one year of experience in directing historical archaeology projects or equivalent training or field experience the sufficiency of which is to be determined by the ARC Committee;

_____ (c) — h Have demonstrated experience in the Historic Downtown Archaeological Review District; and

Comment [JBC67]: Changed name of this area accordingly in §14-5.3(C)(2)(a).

_____ (d) — h Hold a current New Mexico state burial permit for any location where human remains of historic age are found.

_____ (4) — Qualifications for archaeologists and historical archaeologists as set forth in Paragraphs (DC)(2) and (3) of this subsection above may be waived by the Committee at their ARC in its discretion.

_____ (5) — Historians

_____ All historians in actual direct charge of archival research, and analyses of land titles or historic maps shall meet the minimum qualifications set forth ~~in this paragraph below, as provided in a resume or by other means:~~

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_____ (a) — ~~h~~ Hold a master's degree in history or have equivalent professional experience or demonstrate equivalent training, the sufficiency of which is to be determined by the ARC Committee; and

_____ (b) ~~d~~ Demonstrate the ability to carry out archival research.

_____ (6) — Archaeologists, historical archaeologists and historians qualified by the ARC Committee as meeting the above criteria shall be placed on a list maintained by the Land Use Director-Planning Division. Guidelines for documenting applicable experience and education for meeting the requirements of this subsection paragraph (DC) above are available from the Land Use Director-Planning Division. Qualified archaeologists, historical archaeologists and historians who wish to remain on the list shall provide a current resume and related documents upon request of the Land Use Director-Planning Division.

Comment [JBC68]: The Land Use Director oversees and is ultimately responsible for the work of the Historic Preservation Division. No other land use staff division is mentioned in 14-2.

_____ (7) — Archaeologists, historical archaeologists and historians are responsible for reports and performance that exhibit a high standard of professionalism and competence.

_____ (a) — Reconnaissance reports, treatment plans and final reports that are accepted by the ARC Committee with minor typographical, formatting, or content errors and upon for which an archaeological clearance permit is approved shall be returned with corrections to the Land Use Director-Planning Division within forty-five 45 days of the date the permit was approved. Failure to fulfill meet this requirement shall result in refusal by the Land Use Director-Division of any new application for an archaeological clearance permit until a corrected report has been submitted.

_____ (b) ~~r~~ Reconnaissance reports, treatment plans and final reports that are not approved by the ARC Committee and resubmitted to the Land Use Director-Planning Division without the necessary corrections shall be rejected by the Land Use Director-Division and no new application for an archaeological clearance permit shall be accepted by the Land Use Director-Division until a corrected report has been accepted and an archaeological clearance permit has been approved by the ARC Committee.

_____ (c) ~~r~~ Rejection of three 3 or more reconnaissance reports, treatment plans or final reports in a twelve 12-month period may result in the ARC removing removal by the ARC Committee of t the archaeologist, historical archaeologist or historian from the list of qualified archaeologist, historic archaeologist or historian for twelve 12 months.

_____ (d) ~~f~~ Failure to submit a final report within the 1-one year time limit, or any extension of the time limit provided as any be extended by the ARC Committee, as set forth

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in Section §14-3.13(C) may result in the ARC removing removal by the ARC Committee of the archaeologist, historic archaeologist or historian from the City list of qualified archaeologists, historic archaeologists and historians.

_____ (e) — The Land Use Director ~~Planning Division~~ shall notify the following, in writing, of the actions taken in Subparagraphs paragraphs (7)(a), (b), (c) or (d) of this paragraph above:

_____ (i) — t ~~The~~ State Historic Preservation Officer;

_____ (ii) — t ~~The~~ affected archaeologist, historical archaeologist or historian; and

_____ (iii) t ~~The~~ property owner and the applicant.

_____ (f) — The affected archaeologist, historical archaeologist or historian may submit a written ~~an~~ appeal ~~in writing~~ of the actions taken by the Land Use Director ~~Division~~ in Subparagraphs (a) or (b) of this paragraphs (7)(a) or (b), above to the ARC Committee within thirty days ~~30 days~~ of the notice.

_____ (g) — Decisions of the ARC Committee may be appealed as set forth in Section §14-3.17(A).

(D) — Planning Division

~~The Planning Division shall provide administrative and advisory assistance to the Committee, conduct site inspections, carry out reviews of permit applications for construction, utility and grading work proposed in archaeological districts and provide information to the public. The Division shall maintain the list of approved archaeologists, historical archaeologists and historians.~~

Comment [JBC69]: Again, here, "Planning Division" means Historic Preservation Division, but specific staff divisions are not referenced anywhere else in Article 14-2...

14-2.9 ADDITIONAL PROCEDURES OF ADMINISTRATIVE BODIES

Except as otherwise provided by State law, City ordinance or this chapter, the following procedures apply to each of the administrative bodies detailed in this article, except the Land Use Director, the Extraterritorial Land Use Authority, and the Extraterritorial Land Use Commission:

Comment [JBC70]:
Many of these provisions do not apply to the Governing Body... but those exceptions are covered by the "Except as otherwise provided by State law, City ordinance or this chapter..." caveat introducing 14-2.9...
Land Use Director not included because makes no sense – there are no members, officers, public meetings, etc...
ELUA and ELUC not included because joint city-county entity... procedures laid out here wouldn't control the county members anyway... too confusing...

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(A) — Members

~~—~~ There shall be no limitation to the number of consecutive terms a member may serve. Members shall serve without compensation.

(B) — Officers

A Chair, Vice-Chair, and Secretary shall be elected for one-year terms, without restriction as to re-election. In the case of an ad hoc subcommittee that will exist for less than one year, officer terms shall be equivalent to the duration of the subcommittee. The Chair shall preside over the administrative body. In the absence or disability of the Chair, the Vice-Chair shall perform the duties of the Chair.

(C) — Meetings

—Regular meetings shall be held at least once a month, unless there are no agenda items, and at such other times as the Chair may determine. Except as otherwise provided by the constitution of New Mexico, the New Mexico Open Meetings Act, Sections 10-15-1 through 10-15-4 NMSA 1978, or City ordinance, all meetings shall be public meetings; all persons so desiring shall be allowed to attend and listen to the deliberations and proceedings; and public comment at the meetings shall be encouraged.

Comment [CLG71]: Originally inserted text: "Meeting procedure shall follow Robert's Rules of Order" removed by PC Subcommittee.

(D) — Quorum

~~—~~ A majority of members constitutes a quorum.

(E) — Voting

~~—~~ Action shall be taken by a majority vote of a quorum of members.

(F) — Communication with members prohibited

—Members may not communicate with any interested parties outside of the public meeting and hearing concerning the merits or substance of any quasi-judicial item coming before them, except in writing filed with the Land Use Director within the prescribed time period for inclusion in the public hearing record, and with copies distributed immediately to all other known parties-in-interest and all other members of the administrative body. Members also may not communicate with any other persons outside the Land Use Department outside of the public meeting and hearing concerning the merits or substance of any quasi-judicial item

Comment [CLG72]: Originally inserted text: ", except when extraordinary majorities are required as determined by Robert's Rules of Order. Each member, excluding the Chair, shall have one vote. The Chair may vote only in the case of a tie or when his or her vote will provide the necessary number of votes required by law for taking action on an issue before the administrative body." removed by PC Subcommittee.

Comment [CLG73]: Added by PC Subcommittee

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coming before them. Further, members may not inspect the site of any subject property, except pursuant to a publicly noticed site visit which affords all parties the opportunity to attend. Members communicating in violation of this provision shall disclose the substance of the communication on the record, and the members shall recuse themselves if they cannot be fair and impartial in hearing the item before them.

(G) — Written record/Findings of fact

—After hearing and considering all the evidence presented, approval or disapproval of an application, request, or other item shall be accompanied by a written statement of the important facts upon which the decision is based, including the pertinent provisions of this chapter, and a full explanation of why those facts led to the decision made.

Comment [JBC74]: Written record requirement was found in BCD DRC section only. Moved here to apply to all administrative bodies. Also incorporates Albuquerque Commons language.

(H) — Minutes of proceedings/Public record

—Full and complete records in the form of written minutes shall be kept of all meetings, including the date, time, and place of the meeting; the names of members in attendance and those absent; the substance of the items considered; a record of any decisions and votes taken that show how each member voted, including **abstention** or failure to vote; and all public comment. After being approved by the relevant Land Use Board, **written, explanatory findings of fact and conclusions of law** shall be **adopted and** submitted to the Governing Body pursuant to SFCC Section 2-1.15 and shall be promptly filed with and maintained by the City Clerk pursuant to City ordinance and the New Mexico Open Meetings Act.

Comment [CLG75]: "and minutes" removed by PC subcomm

Comment [JBC76]: Does this apply to creatures of the Planning Commission like the Summary Committee, the Long Range Planning Subcommittee, and PC-appointed ad hoc subcommittees?

Comment [JBC77]: Revised to comport with Open Meetings Act and SFCC §2-1.15.

Comment [CLG78]: "without recognized excuse" removed per PC Subcomm

(I) — Meeting Attendance

—Failure of a member to attend three consecutive regular meetings or **thirty-three** percent or more of the regular meetings in any **year** shall constitute an automatic tender of resignation by **the** member to the entity responsible for the member's appointment. **The** tender of resignation shall be automatically placed on the agenda of the appointing entity at its next regularly held meeting, at which time the appointing entity may accept or reject the resignation in its discretion.

(J) — Removal of Members

—Members serve at the pleasure of the entity that appointed them.

(K) — Vacancy

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~~—~~Vacancies shall be filled in the same manner in which the original appointment was made. A member appointed to fill a vacancy shall serve for the remainder of the unexpired term.

~~(L)~~ — **Records of membership**

~~—~~Records of membership shall be maintained by the City Clerk.

14-2.109 — LAND USE DIRECTOR~~STAFF AGENCIES~~

Comment [CLG79]: there will be other authority added, i.e., extensions

~~(A)~~ — **Delegation of Authority**

~~[RESERVED]~~The Governing Body hereby delegates its authority, as set forth generally in Chapter 3, Articles 19 through 21 NMSA 1978, to the Land Use Director to carry out the powers and duties described in this section and throughout this chapter, except those powers retained by the Governing Body or any Land Use Board, by State law, City ordinance, or the terms of this chapter.

Comment [JBC80]: As a home-rule city, GB has broad power to delegate its authority to enforce its laws.

~~(B)~~ — **General Powers and Duties**

Comment [CLG81]: include enforcement of chapter

The Land Use Director shall have the review and decision-making responsibilities set forth in Table 14-2.1-1, to be carried out in accordance with the terms of this chapter. In addition, the Land Use Director shall have the following responsibilities under this chapter:

Comment [CLG82]: make sure this includes plan extensions, alternate means of compliance approval, minor modifications and administrative deviations

(1) to administer and ensure compliance with this chapter by:

(a) organizing the Land Use Department into divisions and delegating functions to such divisions, individual Staff members, and other designees under the Land Use Director's authority;

(b) publishing and enforcing existing Land Use Department policies and setting, writing, and publishing new Land Use Department policies from time- to- time to inform the general public of Land Use Department procedures and processes; and

(c) publishing and enforcing existing Land Use Department submittal requirements and setting, writing, and publishing new Land Use Department submittal

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requirements from time- to- time to assist the general public in achieving application completeness;-

(2) -to render advisory opinions to any administrative body;

(3) -to interpret Chapter 14 pursuant to Section 14-1.10;

(4) -to determine the status of nonconformities pursuant to Section 14-10.1;

(5) to take any other actions within the Land Use Director's power to carry out the provisions of this chapter.

(C) Approval Authority

(1) Alternate Means of Compliance

The Land Use Director may allow alternate means of compliance with the requirements of this chapter when:

(a) The proposed alternate means satisfy the intent of this chapter;

(b) The requirements include quantitative standards, and those quantitative standards are satisfied by the alternate means of compliance; and

(c) Site conditions, including but not limited to the configuration of the Lot, topography, and existing vegetation make following prescriptive procedures called for in this chapter impossible or impractical.

(2) Minor Plan Modifications

The Land Use Director may approve minor quantitative modifications of an approved master plan, development plan or subdivision plat of five percent or less, and minor qualitative modifications that do not substantially change the function, appearance or impact of the development, when full compliance is impossible or impractical, subject to the following:

(a) written request by the applicant explaining the need for the modification;

Comment [CLG83]: The intention of these provisions are to enable small changes to be taken care of administratively, and not require staff and committee time on variance or modification requests that are both sensible and noncontroversial. Any decision of the Land Use Director under this subsection is subject to appeal.

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Comment [CLG84]: adapted from 14-8 landscape standards procedure; note that all quantifiable standards must be met, but that alternate means of complying with those standards are permissible.

Comment [CLG85]: adapted from Los Alamos, with substantial changes

Comment [CLG86]: "of the standards shown on the plan or plat" removed by PC Subcomm

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(b) written finding by the Land Use Director that the modification will not result in any negative health or safety impacts on the community or negatively impact a neighboring property;

(c) a minor modification may not permit increased density or allow uses not otherwise shown on the approved plan or plat; and

(d) the minor modification complies with all standards and requirements of this chapter, except as otherwise allowed by this subsection.

(e) For any quantitative modifications in excess of one percent, the property shall be posted by the applicant with a public notice poster obtained from the Land Use Director. Such poster shall be prominently displayed, visible from a public street, and securely placed on the property for at least fourteen days before the Land Use Director approves the modification. The poster shall indicate the nature of the modification, identify the applicant, the property affected and the phone number for the City staff contact. The public may review the application for permit in the Land Use Department. The poster shall be removed when the building permit is posted. Failure to do so may result in the City removing the sign at the applicant's expense.

Comment [CLG87]: per PC Subcommittee request. Adapted from 14-5.6(D)(5)

(3) Administrative Deviations

Comment [CLG88]: adapted from Los Alamos County

The Land Use Director may approve minor dimensional deviations of twelve inches or less from the provisions of this chapter and minor quantitative deviations of five percent or less of the standards in this chapter, including standards for the number of required off-street parking spaces, when full compliance is impossible or impractical. Approval of administrative deviation is subject to the following:

(a) written request by the applicant explaining the need for the deviation;

(b) written finding by the Land Use Director that the deviation will not result in any negative health or safety impacts on the community or negatively impact a neighboring property; and

(c) an administrative deviation may not permit increased density or allow uses not otherwise allowed in the district

(d) For any quantitative deviations in excess of one percent, the property shall be posted by the applicant with a public notice poster obtained from the Land Use

Comment [CLG89]: per PC Subcommittee request. Adapted from 14-5.6(D)(5)

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Director. Such poster shall be prominently displayed, visible from a public street, and securely placed on the property for at least fourteen days before the Land Use Director approves the modification. The poster shall indicate the nature of the deviation, identify the applicant, the property affected and the phone number for the City staff contact. The public may review the application for permit in the Land Use Department. The poster shall be removed when the building permit is posted. Failure to do so may result in the City removing the sign at the applicant's expense.

The standards of this chapter are made subject to this authority, and no administrative deviation approved in accordance with this paragraph shall require a variance to the terms of this chapter.

Comment [CLG90]: This allows the specified deviations; without such allowance, any deviation is considered a variance and is only permitted upon a showing of hardship

(4) Denial of Requests

If the Land Use Director determines that there are unusual conditions or unique circumstances that warrant review by a Land Use Board or the Governing Body, or that approval of the request is otherwise inappropriate, the Land Use Director may refer it to the appropriate Land Use Board. Denial of such a request is not a final action subject to appeal, and upon denial an applicant may proceed to seek relief as otherwise appropriate under this chapter.

Comment [CLG91]: added per PC Subcommittee. Previous text: "may deny the request"

14-2.11 FLOODPLAIN ADMINISTRATOR

The Land Use Director shall designate a Floodplain Administrator to administer the City's flood regulations. The person shall be a State-certified Floodplain Manager. The Floodplain Administrator may delegate any task assigned to the Floodplain Administrator as set forth in this chapter to an appropriate staff member who is also a State-certified Floodplain Manager.

Comment [CLG92]: relocated from

14-2.12 SANTA FE EXTRATERRITORIAL LAND USE AUTHORITY

Comment [CLG93]: replacement language standardizes text but does not make substantive changes.

(A) Designation

There shall be an Extraterritorial Land Use Authority, which shall be referred to as the "Extraterritorial Land Use Authority" or the "ELUA."

(B) Delegation

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The Governing Body and the Planning Commission hereby delegate their authority, as set forth generally in Chapter 3, -Articles 19 through 21 NMSA 1978, to the ELUA pursuant to Section 3-21-3.2 NMSA 1978 and the Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement to carry out its powers and duties described in this section, except those powers retained by the Governing Body and the Planning Commission in the Santa Fe City Code.

(C) Powers and Duties

(1) The ELUA has the jurisdiction and powers of an extraterritorial zoning authority and shall carry out its duties related to planning and platting jurisdiction, extraterritorial zoning, subdivision approval and annexation approval or disapproval as provided in the Municipal Code and as set forth in the Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement.

(2) The ELUA shall approve or disapprove annexation petitions brought pursuant to Section 3-7-17.1 NMSA 1978 upon review and recommendation of the Extraterritorial Land Use Commission.

(D) Membership and Procedures

(1) Composition

The ELUA consists of seven members, —four County Commissioners and three City Councilors or two City Councilors and the Mayor. The remaining member of the Board of County Commissioners and certain remaining City Councilors shall be alternates to the ELUA.

(2) Appointment and Term

The County Commission members shall be appointed by the Board of County Commissioners. The City Council members shall be appointed by the Mayor, with the approval of the Governing Body. Alternates from the remaining City Councilors shall be appointed by the Mayor, with the approval of the Governing Body. City-appointed members shall serve two-year terms. Members shall serve until their successors have been appointed and qualified.

Comment [j94]: Same comments here. "Terms shall be three years. Members shall serve until their successors have been appointed and qualified." and then something about original stagger and this doesn't change anybody's term

(3) Procedures

Draft page number 33

03/12/2010 draft (includes PC subcommittee review comments)

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Alternates to the ELUA shall be notified prior to a meeting of the ELUA if an appointed member cannot attend. When replacing a member, an alternate shall have the same duties, privileges and powers as appointed members.

~~(A) — Creation; Membership~~ There is created the Extraterritorial Land Use Authority (ELUA) as provided in §3-21-3.2 NMSA 1978 and pursuant to the Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement. The Extraterritorial Land Use Authority shall consist of 4 County Commissioners appointed by the Board of County Commissioners and 3 City Councilors or 2 City Councilors and the Mayor appointed by the Mayor with the approval of the City Council. The remaining member of the Board of County Commissioners shall be appointed as an alternate to the Extraterritorial Land Use Authority and the Mayor shall appoint alternates, with the approval of the City Council from among the remaining City Councilors. The alternates shall be notified prior to a meeting of the Extraterritorial Land Use Authority if an appointed member cannot attend. When replacing a member, an alternate shall have the same duties, privileges and powers as other appointed members. The term of each member appointed by the City shall be for 2 years.

~~(B) — Powers and Duties~~

The Extraterritorial Land Use Authority shall have the jurisdiction and powers of an extraterritorial zoning authority and shall carry out its duties related to planning and platting jurisdiction, extraterritorial zoning, subdivision approval and annexation approval or disapproval as provided in the Municipal Code (§3-1-1 NMSA 1978) and as set forth in the Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement. The Extraterritorial Land Use Authority shall approve or disapprove annexation petitions brought pursuant to §3-7-17.1 NMSA 1978 upon review and recommendation of the Extraterritorial Land Use Commission (ELUC).

14-2.11 SANTA FE EXTRATERRITORIAL LAND USE COMMISSION

Comment [CLG95]: replacement language standardizes text but does not make substantive changes.

(A) — Designation

There shall be an Extraterritorial Land Use Commission, which shall be referred to as the "Extraterritorial Land Use Commission" or the "ELUC."

Draft page number 34

03/12/2010 draft (includes PC subcommittee review comments)

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(B) — Delegation

The Governing Body and the Planning Commission hereby delegate their authority, as set forth generally in Chapter 3, Articles 19 through 21 NMSA 1978, to the ELUC pursuant to Section 53-21-3.2 NMSA 1978 and the Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement to carry out its powers and duties described herein, except those powers retained by the Governing Body and the Planning Commission in the Santa Fe City Code.

(C) — Powers and Duties

The ELUC shall have the authority to carry out duties and make recommendations related to planning and platting jurisdiction, subdivisions, zoning, and annexations as provided for in Sections 53-21-3, 3-21-3.2, and 3-21-4 NMSA 1978 and as set forth in the Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement.

Comment [JBC96]: Formerly read "3-7-3, 3-7-3.2 and 3-7-4" – but Frank Katz and Jeanne Price confirmed this was a typo and submitted these changes...

(D) — Membership and Procedures

(1) — Composition

The ELUC ~~shall~~ consists of ten members, ~~—~~ five members of the County Planning Commission and five members of the City Planning Commission. Certain remaining County Planning Commissioners and certain remaining City Planning Commissioners shall be alternates to the ELUC.

(2) — Appointment and Term

The County Planning Commissioner members ~~shall be appointed by the Board of County Commissioners.~~ The City Planning Commissioner members shall be appointed by the Mayor, with the approval of the Governing Body. Alternates from the remaining members of the County Planning Commission shall be appointed by the Board of County Commissioners. Alternates from the remaining members of the City Planning Commission shall be appointed by the Mayor with the approval of the Governing Body. City-appointed ~~members shall serve two-year two years and shall serve until their successors are appointed and qualified.~~

(3) — Procedures

Alternates to the ELUC shall be notified prior to a meeting of the ELUC if an appointed member cannot attend. When replacing a member, an alternate shall have the same duties, privileges and powers as appointed members.

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~~(A)~~ — Creation; Membership

~~There is created the Extraterritorial Land Use Commission (ELUC) as provided in §3-21-3.2 NMSA 1978 and pursuant to the Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement. The Extraterritorial Land Use Commission shall consist of 5 members of the County Planning Commission appointed by the Board of County Commissioners and 5 members of the City Planning Commission appointed by the Mayor with approval of the City Council. Alternates to the Extraterritorial Land Use Commission shall be appointed by the Board of County Commissioners from the remaining members of the County Planning Commission and by the Mayor with approval of the City Council from the remaining members of the City Planning Commission, who shall be notified prior to a meeting of the Extraterritorial Land Use Commission if an appointed member cannot attend. When replacing a member, the alternate shall have the same duties, privileges and powers as other appointed members. The term of each member appointed by the City shall be for 2 years.~~

~~(B)~~ — Powers and Duties

~~The Extraterritorial Land Use Commission shall have the authority to carry out duties and make recommendations related to planning and platting jurisdiction, subdivisions, zoning, and annexations as provided for in §§3-7-3, 3-7-3.2 and 3-7-4 NMSA 1978 and as set forth in the Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement~~